

DRAFT  
MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N.C.

REGULAR MEETING:

18 May 2004

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips and Donald R. Vaughan. Absent: T. Diane Bellamy-Small. Also present were Ed Kitchen, City Manager; Linda A. Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The City Manager recognized Greg Thomasson, employee with the Environmental Services Department, who served as courier for the meeting.

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The Mayor outlined Council procedure for conduct of the meeting.

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Councilmember Burroughs-White moved to excuse Councilmember Bellamy-Small, who was absent from the meeting. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-12 Residential Single Family to RS-7 Residential Single Family for property located on the east side of Parks Street and on the south and west sides of Dodson Street south of Lucas Street. He stated this matter was being heard on appeal filed by Alene Scott and Roy Turley after receiving a vote of 7-1 by the Zoning Commission to recommend approval of the rezoning.

Assistant City Manager Bob Morgan, serving as interim Planning Department Director, summarized the request, presented a land use map and slides to describe the subject property and surrounding area and stated the Zoning Commission had recommended approval of the request.

Mayor Holliday asked if anyone present wished to be heard.

The following speakers spoke in favor of the proposal:

John Marks, residing at 4608 West Wendover Avenue, presented information to Council and spoke to his intent to build homes for first time buyers. He expressed his opinion that the proposal was compatible with the general future land use map and the Connections 2025 Comprehensive Plan objective of promoting compact urban development and affordable housing. He stated that he was in the process of collecting signatures on a petition to get the speed limit on Dodson Street reduced from 35 to 25 miles per hour to make the area safer. Mr. Marks spoke to his observations of traffic while visiting Dodson Street on numerous occasions and discussed reasons why, in his opinion, the proposal did not pose traffic hazards.

The following speakers spoke in opposition to the proposal:

Alice Williams, residing at 1613 Dodson Street, stated she opposed the proposed change to the existing zoning

plan. She stated that when developed, other land in the vicinity that had been rezoned to a higher density use would, in her opinion, create excessive traffic on Dodson Street. She noted the number of school bus routes on Dodson Street and detailed the features of the street that led to her perceptions. Ms. Williams requested Council to deny the proposal.

Alene Scott, residing at 1504 Dodson Street, presented photos to Council to illustrate her concerns about the characteristics of Dodson Street that she believed negatively impacted traffic safety and suggested that curb and gutter widening of the street would increase traffic safety.

Donald Wright, residing at 1510 Dodson Street, reiterated traffic safety concerns of the other opposing speakers and expressed concern that water would be insufficient for this density of development if there were a future drought.

Jason Bowers, residing at 1604 Lucas Avenue, stated his residence was adjacent to the subject property. He advised that he would support the speed limit reduction petition discussed earlier by Mr. Marks due to personal negative experiences that he attributed to traffic on Dodson Street.

Von Patrick, residing at 1605 Dodson Street, expressed concern that the additional houses that would be built in the proposed rezoning would negatively impact the safety of children playing in the neighborhood. She requested Council to deny the proposal.

Mr. Marks spoke in rebuttal in favor of the rezoning request. He reiterated his opinions with respect to why the rezoning request would have a positive impact, noted similar developments in other areas of the City and spoke to his communication efforts with neighborhood residents about their concerns.

Ms. Scott spoke in rebuttal to oppose the rezoning request. She reiterated concerns expressed earlier in the meeting.

Councilmember Phillips moved that the public hearing be closed. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Assistant City Manager Morgan provided the following staff recommendation:

The property to the south, west of Morgan Smith Drive and south of Dodson Street, was rezoned to RS-7 by City Council on August 19, 2003.

The Zoning Commission unanimously approved that request.

This proposal helps promote mixed income neighborhoods.

Connections 2025 points out that Greensboro should continue to explore opportunities for community revitalization and the City should also continue to encourage the active involvement of private developers in providing quality, compatible infill houses in existing neighborhoods.

This request is consistent with that policy.

This request is compatible with the Generalized Future Land Use Map and with Connections 2025 objectives to promote compact urban development and provide affordable housing opportunities.

The Planning Department recommends approval of this rezoning.

Council discussed the compatibility of this infill development with the Connections 2025 Comprehensive Plan and reiterated the need to continue to monitor traffic in the area as it continues to develop.

Jim Westmoreland, Transportation Department Director, spoke to various aspects of traffic reviewed by the Transportation Department. He stated that the multi-way stop policy did not apply to the street due to lack of an intersection and advised that safety issues had not been identified in staff's research of projected traffic volume. Mr. Westmoreland stated that traffic impact would be reviewed as the area develops.

Councilmember Phillips moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

04-65 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF PARKS STREET AND ON THE SOUTH AND WEST SIDES OF DODSON STREET SOUTH OF LUCAS AVENUE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family to RS-7 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the eastern right-of-way line of Parks Street, said point being the southwest corner of Lot 1, Guilford County Tax Map 419, Block 4; thence along the southern lines of said Lot 1 and Lot 3 in an easterly direction 225 feet to a point; thence along the eastern line of Lot 2 in a southerly direction 250 feet to a point in the northern right-of-way line of Dodson Street; thence crossing Dodson Street in a southerly direction 60 feet to a point, said point being the northeast corner of Lot 5, Guilford County Tax Map 419, Block 5; thence along the western right-of-way line of Dodson Street in a southerly direction 275.38 feet to a point, said point being the southeast corner of said Lot 5; thence along the southern line of said Lot 5 in a westerly direction 134 feet to a point, said point being the southwest corner of said Lot 5; thence along the western line of said Lot 5 in a northerly direction 265.83 feet to a point in the southern right-of-way line of Dodson Street; thence crossing Dodson Street along a straight line projection in a northerly direction 60 feet to a point in the northern right-of-way line; thence along said northern right-of-way line in a westerly direction 100 feet to a point, said point being in the intersection with the eastern right-of-way line of Parks Street; thence along said eastern right-of-way line in a northerly direction 250 feet to the point and place of BEGINNING.

(Signed) Thomas M. Phillips

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Mayor Holliday stated this was the time and place set for a public hearing to consider an ordinance rezoning from RS-9 Residential Single Family to Conditional District—RM-12 Residential Multifamily for property located on the west side of Yanceyville Street opposite the intersection of Guest Street. He stated this matter was being heard on appeal filed by Karen Mujahi after receiving a vote of 0-8 by the Zoning Commission to recommend denial of the rezoning.

Assistant City Manager Morgan outlined the proposal and presented a land use map, description and slides of the subject property and surrounding area. He advised that the Zoning Commission had recommended denial of the proposal.

The following speakers spoke in favor of the request:

Karen Mujahi, residing at 3237 Yanceyville Street Apartment 1 C, stated she represented the owner of the property located at 3245 Yanceyville Street and the Dogwood Apartments. Ms. Mujahi discussed the proposed plans for construction of a single-story 30 unit apartment complex and advised that she was willing to add to the proposal the condition of requiring a six foot high privacy fence of wooden material to address concerns raised by the property owner next door.

Councilmember Johnson moved to add the condition as proposed. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Councilmember Perkins noted that although the applicant's development plan was for one-story apartments,

this was not a requirement of the proposed zoning criteria. Bill Ruska, Zoning Administrator, spoke to relevant height and set back requirements.

The Mayor asked if anyone present wished to be heard.

The following speakers spoke in opposition to the proposed rezoning request:

Ruth Class, residing at 3301 Yanceyville street, stated her property was next door to the existing Dogwood Apartments, owned by the applicant. She contrasted the characteristics and condition of property owned by the applicant to other property in the neighborhood and expressed concern that additional apartments would be detrimental to the safety of residents and to their property values. Ms. Class requested Council to deny the request.

Stella Gulley, residing at 3300 Yanceyville Street, spoke to the increasing volume of traffic on Yanceyville Street and related her personal negative experiences which she attributed to the increased traffic.

Speaking in rebuttal in favor of the proposal, Ms. Majahi stated that in her opinion, the development would positively impact the neighborhood.

Speaking in rebuttal against the proposal, Ms. Class stated that the proposed development would negatively impact the character of the neighborhood. Ms. Gulley expressed concern that the proposal included development of the apartments using some of the land from an existing single-family house on the property. Mr. Ruska confirmed that this was allowed under the proposed zoning classification.

Councilmember Johnson moved that the public hearing be closed. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Assistant Manager Morgan provided the following staff recommendation:

The Zoning Commission rezoned the property to the south to CU-Institutional 100 in 1988.

This property contains the Dogwood Creek Apartments.

The use of this property was restricted to multifamily with a maximum of 128 dwellings units.

At the time of the Citywide remapping to implement the UDO, this adjacent property was designated as RM-12.

The area requested for rezoning is classified as mixed use-commercial on the Connections 2025 Generalized Future Land Use Map.

High density, mixed income housing is supported by this land use classification.

The applicant is the current owner of the Dogwood Creek Apartments located immediately to the south of this request and as stated in the condition, this request is being made to allow an expansion of existing apartments.

This request is a reasonable extension of the adjacent zoning to the south and it is consistent with Connections 2025 objectives to promote compact urban development and provide affordable housing opportunities.

The Planning Department recommends approval of this rezoning.

Council discussed the existing development of this area and expressed concern that a plan for the greater area was necessary for good future results. Councilmember Perkins requested to review the general land use map in the area to determine if development was in compliance; he noted that in his opinion, an inefficient land use pattern with a railroad track and underutilized vacant land where a high level of demand for multi-family or high-density single-family dwellings could be anticipated in the next fifteen years.

Councilmember Johnson moved that the ordinance be DENIED. The motion was seconded by Councilmember Gatten; the ordinance was DEFEATED on the following vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday,

Johnson, Perkins, Phillips and Vaughan. Noes: None.

(A copy of the ordinance as introduced and DEFEATED is filed in Exhibit Drawer O, Exhibit Number 26 and is hereby referred to and made a part of the minutes.)

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The meeting was recessed at 7:32 p.m.

The meeting reconvened at 7:49 p.m. with all members of Council present except Councilmember Bellamy-Small, excused earlier in the meeting.

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Mayor Holliday introduced an ordinance rezoning from RS-12 Residential Single Family and General Office High Intensity to Conditional District—General Business for property located on the east side of Hobbs Road between Northline Avenue and West Friendly Avenue. He stated his matter was being heard on appeal filed by John Bishop Byerly after receiving a vote of 8-1 by the Zoning Commission to recommend approval of the rezoning.

Assistant City Manager Morgan outlined the rezoning request and presented a land use map and slides. He described the subject property and surrounding area.

The following speakers spoke in favor of the rezoning proposal.

Jim Phillips, attorney with offices located at 230 North Elm Street Suite 1900, stated he represented the applicant, Starmount Company. He advised that due to Burlington Industries' bankruptcy, the long-standing lease between Starmount and Burlington Industries at the site of the subject property could not continue and noted why rehabilitation of the existing building would be cost prohibitive. Mr. Phillips outlined the anticipated benefits from the proposed development in terms of new jobs it would create and property taxes that would be generated from the development.

Coolidge Porterfield, residing at 801 Jefferson Wood Lane, described the proposed tract of land and the current surrounding zonings. He spoke to a long list of concerns expressed by area residents, meetings between Starmount and concerned neighborhood residents, and the steps taken to resolve many of these concerns.

Chad Cheek, residing at 3007 Starmount Farms Drive, stated he was president of the Starmount Farms neighborhood group and represented a majority of the homeowners. He spoke to communications with Starmount and stated that in response to residents, the developer had added conditions to address their concerns. Mr. Cheek advised that with the addition of these conditions the neighborhood group was in favor of the proposal.

Donna Newton, residing at 1 Gwyn Lane, stated she was a resident of the Wedgewood community directly across from the planned development and noted that she and her husband supported the request. Ms. Newton asked other citizens from the neighborhood, who were present in the Chamber, to stand to show their support. A number of residents stood. Detailing the inclusive processes involving education of and communication with area residents with regard to the proposal, Ms. Newton advised that a consensus in support of the request had been reached.

Steve Royal, residing at 412 Beverly Place, stated he spoke on behalf of his neighbors in the Wedgewood community. He elaborated on the information presented by Ms. Newton and expressed support for the proposal.

Madeline Dassow, residing at 5 Hobbs Place, stated she represented neighbors in the middle area of the Wedgewood community. She stated neighbors were in favor of the proposal because of the reciprocity involved in their negotiations with Starmount. Ms. Dassow expressed her opinions with regard to positive impacts anticipated from the proposed development.

Mr. Porterfield expressed appreciation to those who had participated in the negotiation process.

Mr. Phillips highlighted numerous details of the conditions that were submitted with the rezoning request and

explained their beneficial effects. He noted that due to the type and condition of the existing building on the property, it would not be cost effective to rehabilitate the building for leasing to another corporation. He requested Council to approve the request.

The following speakers spoke in opposition to the request:

Bishop Bayerly, residing at 3514 West Friendly Avenue, stated he opposed the proposed rezoning and read a letter to the Editor of a local newspaper that expressed opposition to the proposal. He expressed concern that traffic would negatively impact the area during the busy holiday shopping season. He expressed additional concerns with regard to noise, lights, trucks, trash, and storm water runoff and requested the current zoning be maintained.

Mr. Phillips spoke in rebuttal in favor of the request. He advised that the development would be in compliance with environmental regulations for storm water run off and noted that no neon lights would face Friendly Avenue.

There being no one present who wished to speak in rebuttal against the proposal, Councilmember Carmany moved that the public hearing be closed. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Assistant City Manager Morgan provided the following staff recommendation:

Aside from being in compliance with the Generalized Future Land Use Map, this request addresses numerous goals and policies set forth in Connections 2025, the Comprehensive Plan.

The proposal is in accordance with the plan in the following ways:

It incorporates mixed uses within a designated activity center.

It is located along an existing transit route and proposes the density and intensity that supports transit use.

It promotes walkability through the use of pedestrian walkways within the site, connecting pedestrian walkways to adjoining sites.

It includes some open space and aesthetic amenities and will use a site that will soon be vacant.

The final details of the site design are yet to be worked out, but the applicant is making efforts to work with the surrounding neighborhoods so that the development will be considered an asset to the area.

The Planning Department recommends approval of this rezoning.

Council commended the developer and the community residents for their efforts to reach an agreeable compromise and expressed optimism with regard to the economic impact of the development.

Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

04-66 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF HOBBS ROAD BETWEEN NORTHLINE AVENUE AND WEST FRIENDLY AVENUE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family and General Office High Intensity to Conditional District – General Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the intersection of the western right-of-way line of Hobbs Road with the northern

right-of-way line of West Friendly Avenue; thence along said western right-of-way line in a northerly direction approximately 1,220 feet to a point in the intersection with the southern right-of-way line of Northline Avenue; thence crossing Northline Avenue in a northerly direction 50 feet to a point in the intersection of the northern right-of-way line of Northline Avenue and the western right-of-way line of Hobbs Road; thence crossing Hobbs Road in an easterly direction 60 feet to a point in the intersection of the northern right-of-way line of Northline Avenue with the eastern right-of-way line of Hobbs Road; thence along the northern right-of-way line of Northline Avenue in an easterly direction approximately 1,355 feet to a point; thence crossing Northline Avenue in a southerly direction 50 feet to a point, said point being the northwest corner of Friendly Shopping Center as recorded in Deed Book 4416, Page 1688 in the Office of the Guilford County Register of Deeds, said point also being the northwest corner of Lot 2, Guilford County Tax Map 194, Block 1; thence S05°15'15"W 257.71 feet to a point; thence S00°01'41"W 856.39 feet to a point in the northern right-of-way line of West Friendly Avenue; thence crossing West Friendly Avenue in a southerly direction along a straight line projection approximately 80 feet to a point in the southern right-of-way line; thence along said southern right-of-way line in a westerly direction approximately 1,380 feet to a point in the intersection with the western right-of-way line of Hobbs Road; thence crossing West Friendly Avenue in a northerly direction approximately 70 feet to the point and place of BEGINNING, as shown on "Rezoning Map for Hobbs Street Properties, LLC." prepared by Evans Engineering Inc. and dated February 4, 2004.

Section 2. That the rezoning of RS-12 Residential Single Family and General Office High Intensity to Conditional District – General Business is hereby authorized subject to the following use limitations and conditions:

- 1) Uses shall be limited to those permitted in the SC District provided that bowling alleys, billiard parlors, bingo parlors, dance clubs, stand alone bars, coin operated amusements as a primary use, miniature golf courses, skating rinks, recycling collection points, convenience stores, fraternity or sorority houses, ambulance services, boat and motor vehicle sales, vehicle parts sales, carwashes, auto repairs or rentals, equipment rental and leasing, crematoriums, Laundromats, theaters (excluding any expansion of the theater now existing on the adjoining parcel), ABC stores, flea markets, used merchandise sales, pawnshops, gasoline sales, service stations, courier stations, building supply sales with storage yards, communication towers, and warehouses will not be permitted.
- 2) Redevelopment of the site, for other than renovation and continued use of the current office building, will be subject to the following conditions:
  - A) Use will be predominantly commercial with complementary uses such as office, residential and service, and will not exceed 325,000 square feet of nonresidential gross floor area and 100 residential units. The residential component will be developed as Mixed Development as provided in Section 30-5 of the Development Ordinance.
  - B) Pedestrian walkways will be provided within the site and pedestrian access will be provided from all adjoining streets and from the adjoining section of Friendly Center.
  - C) A common sign plan will be developed and signage will comply with the signage provisions for the Limited Business (LB) zoning district.
  - D) Developer will implement recommendations of the Traffic Impact Study to include provision of right and left turn lanes on West Friendly Avenue and striping of turn lanes on Hobbs Road and Northline Avenue.
  - E) Full movement access points will be limited to one from W. Friendly Avenue, two from Northline Avenue and one from Hobbs Road unless otherwise approved by GDOT, provided that no direct access to a retail center will be permitted from Hobbs Road.
  - F) A minimum of 3 acres will be devoted to pervious surface and/or the provision of visual, aesthetic or environmental amenities
- 3) Buffer Yards: Any new development will provide buffers as follows:
  - A) Along Hobbs Road, from West Friendly Avenue northward to the edge of the existing drive entrance, a distance of approximately 600 feet, a buffer averaging 120 feet in width will be provided. Developer will make a good faith effort to not disturb existing trees within the buffer of eight (8) inch caliper or more. The buffer areas shall not be disturbed except in order to provide supplemental landscaping, pedestrian amenities (such as walkways, seating and lighting), necessary utilities, and approved pedestrian or vehicular entrances to the development.
  - B) Along Hobbs Road and Northline Avenue, from the terminus of the 120 foot wide buffer provided in

- A) above to the first drive entrance from Northline Avenue to the development, either a thirty (30) foot wide landscaped buffer or a fifteen (15) foot wide buffer with a landscaped berm or hedgerow designed to be maintained at five (5) feet or more will be provided.
- 4) Screening.
  - A) Dumpsters and loading docks shall be screened from view.
  - B) The planting rate for the street yard on Northline Avenue will be increased to include two (2) understory trees per 100 feet.
- 5) Pedestrian Facilities. The Developer will facilitate pedestrian access to the development from neighboring developments and will fund such traffic signals, pedestrian crossing lights and pedestrian islands as may be warranted and approved by GDOT on the streets adjoining the development.
- 6) Connectivity. Developer will include a vehicular access point(s) from the abutting development along the east line.
- 7) Development Standards.
  - A) Landscaping and buildings within the development will be installed or constructed to a high quality standard, finish and appearance to equal or exceed that found in the newer sections of Friendly Shopping Center.
  - B) Building design will include parapet walls to shield mechanical units from view and to buffer noise.
  - C) The maximum individual store size will be 80,000 on one floor or 160,000 on two (2) floors.
- 8) Site Lighting. Parking lot lighting will be designed, constructed and installed to control glare and to minimize obtrusive light while maintaining safety, security and productivity.
- 9) Building Height. No building used exclusively for office or retail will exceed two (2) above ground stories in height. No structure shall exceed five (5) above ground stories in height.
- 10) Drive-thru Restaurants Prohibited. No restaurant with a drive-thru window and stacking lane shall be permitted. This prohibition shall not exclude restaurants providing a carry out service and walk up windows.
- 11) Construction Controls. No construction entrance will be installed on Hobbs Road and the Developer will instruct grading and building contractors to limit, to the extent practicable, truck traffic on Hobbs Road north of Northline Avenue. This provision against construction entrances shall not prohibit the use of the existing driveway from Hobbs Road for asbestos abatement or demolition activities.
- 12) Limitations on Operating Hours.
  - A) No retail store other than a food or drug store shall operate 24 hours a day.
  - B) No outside cleaning or landscape maintenance or dumpster service shall occur after 10 PM or before 7 AM.
  - C) Any music in outside areas will be discontinued at 11 PM.
- 13) Signs.
  - A) Exposed tube neon will not be permitted on the exterior of any building or within any window located within 125 feet of and oriented parallel to W. Friendly Ave.
  - B) Attached signage facing and adjacent to Northline Avenue will be limited to non-illuminated identification signs.
  - C) Attached signs within 125 feet of W. Friendly Avenue and which are oriented parallel to Friendly Avenue will be located not more than eight (8) feet above the closest curb elevation in W. Friendly Avenue and will not be illuminated after 11 PM.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Yvonne J. Johnson



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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance rezoning from Conditional District-Shopping Center to Conditional District-Shopping Center for property located on the east side of New Garden Road south of Joseph M. Bryan Boulevard—this matter being heard on appeal filed by The American Hebrew Academy, Inc. after receiving a vote of 7-0 with one abstention by the Zoning Commission to recommend approval of the rezoning.

Assistant City Manager Morgan summarized the request, presented a land use map and slides, and described the subject property and surrounding area.

Mayor Holliday asked if anyone present wished to be heard.

The following speakers spoke in favor of the request:

Charlie Melvin, attorney with offices located at 300 North Greene Street, stated he represented the property owner, Highwoods Realty Limited Partnership. He noted the favorable recommendation of the Zoning Commission and Planning Department staff, referred to information that had been provided to Council after the Zoning Commission meeting and spoke to communications with representatives of the Hebrew Academy and area residents. Mr. Melvin advised that these communications had resulted in the development of additional conditions to be presented to Council; he displayed the text of the additional conditions for Council's consideration and summarized them verbally. Mr. Melvin stated that a letter had been sent to the City Manager's Office indicating that the Hebrew Academy did not oppose the rezoning with the addition of these conditions.

Councilmember Gatten moved to incorporate the addition of the conditions displayed into the proposed ordinance. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Councilmember Carmany moved that the public hearing be closed. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

Assistant City Manager Morgan provided the following staff recommendation:

The present proposal returns the subject property to the way it was zoned in 1997.

This request is consistent with Connections 2025's policies of providing compact development, ensuring that adequate land is available to accommodate economic development and ensuring that adequate land is zoned for business development.

Furthermore, this request is compatible with the Generalized Future Land Use Map that designates this area as mixed use-commercial.

The Planning Department recommends approval.

Council commended the developer for addressing the concerns of the Hebrew Academy.

Councilmember Gatten moved adoption of the ordinance as amended. The motion was seconded by Councilmember Johnson; the amended ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

04-67 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF NEW GARDEN ROAD SOUTH OF JOSEPH M. BRYAN BOULEVARD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Conditional District – Shopping Center to

Conditional District – Shopping Center (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point, said point being the proposed southeast quadrant of the intersection of New Garden Road and Bryan Boulevard, thence from said beginning point running with the southern right-of-way of Bryan Boulevard the following seven bearing breaks: 1) N86°32'48"E 47.46 feet to a point; 2) S72°35'14"E 39.77 feet to a point; 3) with a curve to the left, having a radius of 776.20 feet and chord bearing and distance of S88°05'32"E 414.82 feet to a point; 4) N76°34'51"E 210.04 feet to a point; 5) N69°29'10"E 302.43 feet to a point; 6) N76°21'18"E 193.63 feet to a point; and 7) N77°19'03"E 141.29 feet to a point; thence running with the western line of the CD-RS-12 zoning tract the following twenty-nine bearing breaks: 1) S23°01'12"W 494.36 feet to a point; 2) S29°23'55"W 97.30 feet to a point; 3) S56°36'58"W 63.71 feet to a point; 4) S25°45'01"W 100.93 feet to a point; 5) S56°23'58"W 70.29 feet to a point; 6) S75°30'42"W 62.82 feet to a point; 7) N61°01'07"W 30.77 feet to a point; 8) N21°01'52"E 82.11 feet to a point; 9) S45°28'39"W 28.01 feet to a point; 10) S28°27'02"W 38.05 feet to a point; 11) S50°28'30"W 46.70 feet to a point; 12) S85°45'33"W 56.76 feet to a point; 13) S56°50'42"E 88.07 feet to a point; 14) S83°35'11"W 64.57 feet to a point; 15) S44°57'48"E 111.97 feet to a point; 16) S36°05'08"E 45.55 feet to a point; 17) S05°49'49"W 21.39 feet to a point; 18) S35°01'42"W 49.32 feet to a point; 19) S06°18'18"E 64.86 feet to a point; 20) S44°27'50"W 27.22 feet to a point; 21) S51°00'20"W 64.82 feet to a point; 22) S26°49'21"W 90.68 feet to a point; 23) S17°16'42"W 128.07 feet to a point; 24) S37°19'58"W 61.79 feet to a point; 25) S55°42'02"W 47.84 feet to a point; 26) S28°13'38"W 179.78 feet to a point; 27) S23°59'04"W 32.76 feet to a point; 28) S42°02'31"W 113.93 feet to a point; and 29) S13°23'29"W 62.43 feet to a point; thence running with the northern line of the CD-GO-M zoning tract N66°41'08"W 1350.81 feet to a point on the eastern right-of-way of New Garden Road; thence running with the eastern right-of-way of New Garden Road the following five bearing breaks: 1) N42°11'44"E 147.97 feet to a point; 2) N44°58'19"E 230.17 feet to a point; 3) N42°59'13"E 166.56 feet to a point; 4) N38°57'20"E 172.88 feet to a point; and 5) N37°17'17"E 32.85 feet to a point; thence running with the proposed eastern right-of-way of New Garden Road the following two bearing breaks: 1) S53°12'07"E 19.80 feet to a point; and 2) N38°11'37"E 509.40 feet to the point and place of BEGINNING, save and except therefrom properties conveyed by the following deeds: Book 5129, Page 2052; Book 5140, Page 0082; and Book 5756, Page 1454, all of the Guilford County Registry.

Section 2. That the rezoning of Conditional District – Shopping Center to Conditional District – Shopping Center is hereby authorized subject to the following use limitations and conditions:

- 1) All uses permitted in the "SC" zoning district except sexually oriented businesses, as defined in the ordinances of the City of Greensboro, hotels, lumber supply stores, auto repair/service stores, and wholesale clubs. Use will be predominately commercial with complementary uses such as office, residential and service.
- 2) No more than one (1) access point on New Garden Road at a location approved by the Greensboro Department of Transportation and the North Carolina Department of Transportation.
- 3) A maximum of 400,000 square feet of buildings, provided this property and the adjacent CD-GO-M zoned property to the southwest shall not contain a combined total of more than 800,000 square feet of buildings. Parking decks shall not be considered to be a building for the purpose of this provision.
- 4) A maximum building height of 60 feet.
- 5) *A 30-foot landscaped buffer shall be provided along the entire frontage of this zoning district along New Garden Road and extending to the northernmost property line of Cross of Christ Lutheran Church.*
- 6) No building will be constructed within 50 feet of the southern right-of-way of New Garden Road.
- 7) The maximum height of any parking deck shall be 50 feet.
- 8) From a distance of 300 feet from the easterly margin of New Garden Road, restaurants with drive-throughs will not be permitted.
- 9) There shall be no single use over 80,000 square feet except for a department store, furniture store, or theater. Any department store, furniture store, or theater use shall not have a building footprint in excess of 112,000 square feet.
- 10) There shall be no grocery store containing over 30,000 square feet of gross floor area.
- 11) All exterior lighting fixtures in parking areas and driveways shall utilize cutoff shields or other appropriate measures to conceal the light source from adjoining properties and right-of-ways. Lights shall be designed to avoid spillover glare beyond the boundaries of the property.

- 12) Where buildings in the zoning district are visible from the property of the American Hebrew Academy, the following methods shall be used to minimize the impact to the viewscape from the lake and the property of the American Hebrew Academy:
  - a. In areas where the sides and rear of buildings are visible from the property of the American Hebrew Academy, the same upscale architecture and building materials will be utilized to create visual interest on all sides of the building.
  - b. Full-height parapet walls, not to exceed the maximum building height specified in Condition No. 4, shall be used to fully screen rooftop equipment from view from the property of the American Hebrew Academy.
  - c. Loading docks, utility meters, HVAC equipment, trash collection and other service functions shall be incorporated into the overall design of the buildings and landscaping and shall be screened from view using screen walls and/or fencing of the same kind and quality of architectural design and building materials as that employed in the overall building design.
  - d. Enclosed truck loading garages shall be used if a loading bay is visible from the property of the American Hebrew Academy.
  - e. Additional landscaping shall be placed as appropriate in areas where the sides and rear of buildings are visible from the property of the American Hebrew Academy and have been screened and treated with the considerations in 12a to 12d above to complement said treatments.
13. The playing of outdoor music shall be prohibited after 10 pm.
14. Exposed tube neon, backlit signs and moving or flashing lights shall not be permitted where visible from the property of the American Hebrew Academy. Attached signage facing and adjacent to the lake front shall be limited to identification signs that are lit by no more than building mounted lighting employing shielded or directed fixtures that do not project above the fascia or roof line and shall not be illuminated after 11 pm.
15. Other than snow and ice removal or other weather or emergency-related services, no outside cleaning, landscape maintenance or dumpster service shall occur after 11 pm or before 7 am.
16. Retail grocery or drug stores may operate within the zoning district up to 24 hours a day. Any theatre use shall be limited to the hours of 9 am to 2 am. All other retail uses within the zoning district shall be limited to the hours of 6 am to 12 midnight.
17. Restaurants and other retail uses generating cooking or other odors shall vent or exhaust the same to the rooftop.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Florence F. Gatten

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development Text Amendment: Table 30-4-5-1, Permitted Use Schedule to Permit Funeral Homes or Crematoriums in the Light Industrial District.

Mr. Morgan stated the Multi Jurisdictional Ordinance Committee and the Planning Board had favorably recommended the amendment. He noted that funeral homes were not permitted in Light Industrial Districts under the current permitted use schedule and that the source of the request for the ordinance change was a funeral home business.

Councilmember Burroughs-White moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

AN ORDINANCE AMENDING CHAPTER 30 WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Table 30-4-5-1, Permitted Use Schedule, is hereby amended by placing a “P” entry in LI column for the use “Funeral Homes or Crematoriums” under the Business, Professional, & Personal Services section.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

(Signed) Claudette Burroughs-White

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development Text Amendment: Section 30-1-10, Relation to the Comprehensive Plan , to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-2) extending the Mixed Use Residential land use classification to add approximately 119 acres to cover an area that includes all four corners of the US 220/Old Battleground; Horse Pen Creek intersection and stretches approximately 1,991 feet across US 220 and approximately 1,930 feet north of Old Battleground/Horse Pen Creek Roads.

Councilmember Perkins stated that he had a direct financial interest in this matter through his business; he requested that Council excuse him from considering the ordinance. Councilmember Burroughs-White moved that Councilmember Perkins be excused. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of Council.

Heidi Galanti, Comprehensive Planner in the Planning Department, presented information from the Council agenda packet with regard to the proposed Plan amendment to the Generalized Future Land Use Map (GFLUM). She reviewed the contents of information provided in the Council agenda packet, presented a slide of the GFLUM, and reviewed details of the staff report in terms of background, definitions of the land use classifications involved in this case, goals and policies of the plan that staff saw as applicable to this case.

Speaking to the staff analysis and staff recommendation for the plan, Ms. Galanti outlined the needs for and anticipated effects of the proposed change. She discussed the implications of the change on other parts of the Plan. Ms. Galanti stated that in evaluating this proposed amendment staff had reviewed the overall Plan and its goals and policies. She outlined the reasons staff recommended the proposed amendment of the GFLUM from Low Residential to Mixed Use Residential.

Council discussed various details of the presentation for clarification. Ms. Galanti confirmed that the designation of each land use would continue to be made by Council.

The Mayor asked if anyone present wished to be heard.

Paul Holst, residing at 5411 Zorn Hill Drive, stated he was in general support of the land use map but needed clarification about the proposal. Ms. Galanti stated that mixed use under this ordinance did not specify uses as a zoning ordinance would. After she advised that the use was predominantly residential with various uses that served the neighborhood such as a pharmacy, bookstore, etc. and explained that big box retail was not a permitted use, Mr. Holst expressed support for the proposal.

Chris Labarba, residing at 3417 Trail Ridge Drive, distributed information to Council and requested Council to deny the rezoning proposal based on the Planning Board’s recommendation and his opinion that traffic congestion would be increased.

Roger Greene, residing at 3417 Derbywood Drive, spoke to negotiations with area residents and the conditions added to the proposal to address their concerns and shared his personal thoughts with regard to the Connections 2025 Comprehensive Plan.

Council briefly discussed the Comprehensive Plan and appeared to agree that the proposed ordinance amendment would result in a common sense approach to the development of the area.

Councilmember Phillips moved that the public hearing be closed. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of Council.

Councilmember Phillips thereupon moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White. The ordinance was adopted on the following roll call vote: Ayes: Burroughs White, Carmany, Gatten, Holliday, Johnson, Phillips and Vaughan. Noes: None. Abstained: Perkins.

#### 04-69 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the *Greensboro Connections 2025 Comprehensive Plan* on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, the Planning Department proposes an amendment to that as shown on the attached map to extend the Mixed Use Residential land use classification to add approximately 119 acres to cover an area that includes all four corners of the intersection and stretches approximately 1,991 feet across US220 and approximately 1,930 feet north of Old Battleground/Horse Pen Creek Roads;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

- Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.
- Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.
- Section 3. This ordinance shall become effective on May 18, 2004.

(Signed) Thomas M. Phillips

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Mayor Holliday introduced an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development: to reflect greater flexibility in the regulation of events scheduled in the Downtown Business District.

The City Attorney stated that the proposed amendment would allow events to be conducted until 1:00 a.m. on Friday and Saturday nights and on the nights before national holidays.

Betty Cone, residing at 35 B Fountain Manor Drive, representing Grass Roots Productions Ltd., stated the proposal involved the cooperation of Downtown Greensboro Inc. and Action Greensboro. She advised that the amendment would extend the hours of conduct of special events downtown from 11:00 p.m. to 1:00 a.m. to fit the reality of downtown activities. Ms. Cone advised that she was not aware of any opposition to the proposed amendment.

Ray Gibbs, Executive Director of Downtown Greensboro, Inc. reiterated the importance of allowing events to be conducted downtown after 11:00 p.m.

Council briefly discussed how the recently created downtown Business Improvement District would address the need for additional services related to extended evening events.

Jenny Stokes, Young Professionals Coordinator representing Action Greensboro with offices located at 317 South Elm Street, spoke to the schedules of adults under the age of thirty and advised that many of the events they attended did not begin until 10:30 p.m.

Councilmember Carmany expressed concern that the proposed hour limit could be too late for downtown residents. After discussion of noise related law, the City Attorney advised that under the provisions of the proposal, the noise ordinance could still be enforced and that Council had the authority to change the ordinance within thirty days.

Dianne Davis, residing at 905 Fairmont Street, expressed concern about vandalism, noise and trash following late night events downtown. The Mayor advised that these issues would be addressed with the Business Improvement District tax.

Councilmember Phillips moved that the public hearing be closed. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: Carmany.

04-70 AMENDING CHAPTER 30

AN ORDINANCE AMENDING SECTION 30-3-3.5 OF CHAPTER 30 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO TEMPORARY EVENT PERMITS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Chapter 30, Section 30-3-3.5, is amended by adding the following sentence to the end of the subparagraph (D) (3):

“However, events celebrating national holidays beginning on the eve of the national holiday, or weekend events beginning on Friday or Saturday evenings, and scheduled to be held in the Downtown Business District shall cease operation by 1:00 a.m.”

Section 2. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. All other provisions of the Greensboro Code shall remain in full force and effect.

Section 3. That this ordinance shall become effective immediately upon adoption.

(Signed) Yvonne J. Johnson

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Moving to the Consent Agenda, Councilmember Phillips moved the adoption of the ordinances, resolutions and motions on the Consent Agenda. The motion was seconded by Councilmember Carmany; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

04-71 ORDINANCE AMENDING THE FEDERAL, STATE AND OTHER GRANTS PROJECT FUND BUDGET FOR FY 03-04 FAIR HOUSING ASSISTANCE PROGRAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the Federal, State, and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-0352-01.4110	Salaries & Wages	\$17,155

220-0352-01.4510	FICA Contribution	1,235
220-0352-01.4520	Retirement Contribution	1,830
220-0352-01.4610	Health Coverage – Active	1,765
220-0352-01.4650	Dental Coverage – Active	120
220-0352-01.4710	Life Insurance – Active	95
220-0352-01.5221	Advertising	25,000
220-0352-01.5432	Desktop Services	3,000
220-0352-01.5520	Seminars/Training Expense	<u>18,500</u>
Total		\$68,700

and, that this increase be financed by increasing the following Federal, State, and Other Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-0352-01.7100	Federal Grant	<u>\$68,700</u>
Total		\$68,700

(Signed) Thomas M. Phillips

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95-04 RESOLUTION GRANTING ENCROACHMENT FOR AN EASEMENT ON STREET RIGHTS-OF-WAY TO VOLVO TRUCK NORTH AMERICA AS FOLLOWS: UNDER AND ALONG PIEDMONT TRIAD PARKWAY, TO INSTALL A TOTAL OF 270 LINEAR FEET OF FIBER OPTIC CABLE TO SERVE VOLVO TRUCK NORTH AMERICA, SUBJECT TO AN ANNUAL ENCROACHMENT FEE FOR USE OF RIGHT-OF-WAY

WHEREAS, Volvo Truck North America has requested an encroachment easement from the City for the underground installment of 270 linear feet of private fiber optic cable in order to serve the organization by providing a communication link between company buildings located at on the main Volvo campus to 8203 Piedmont Triad Parkway;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of the communications line along Piedmont Triad Parkway, as shown on the attached map;

WHEREAS, following installation of said cable, Volvo Truck North America will provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, Volvo Truck North America has agreed to pay a reasonable fee as a direct cost for such encroachment easement in the amount of \$3.00 per linear foot per annum so long as the fiber optic cable remains;

WHEREAS, Volvo Truck North America further agrees to remove installed fiber at their own expense, once no longer in use, by seeking resolution from City Council to terminate the encroachment and to allow for removal of infrastructure;

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of communications cable will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW THEREFORE, IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, Volvo Truck North America is hereby authorized to encroach in the above described street right-of-way for the installation of fiber optic cable along and across Piedmont Triad Parkway locations as shown on the attached map, subject to an annual fee, to be paid to the City

in the amount of \$3.00 per linear foot of cable installed and the execution of an Encroachment Agreement to be prepared by the office of City Attorney.

(Signed) Thomas M. Phillips

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96-04 RESOLUTION CALLING A PUBLIC HEARING FOR JUNE 1, 2004 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 1607 GUILFORD COLLEGE ROAD – 5.45 ACRES

WHEREAS, the owners of all the hereinafter described property, which is non-contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 1st day of June, 2004, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 1607 GUILFORD COLLEGE ROAD – 5.45 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the eastern right-of-way line of the old 60-foot right-of-way of Guilford College Road, the southwest corner of Coalhouse Ruled, Inc., also being Lot 2 of Harry L. Hill subdivision, as recorded in Plat Book 75, Page 111 in the Office of the Guilford County Register of Deeds; thence proceeding the following bearings and distances with said right-of-way line: N 13° 28' 38" E 96.48 feet to a point, N 15° 50' 39" E 98.27 feet to a point, N 19° 51' 26" E 98.37 feet to a point, N 22° 04' 16" E 98.99 feet to a point, N 23° 22' 27" E 74.62 feet to the northwest corner of said Lot 2; thence along the north line of said Lot 2 N 85° 55' 55" E 304.56 feet to a point; thence S 0° 34' 30" E 145.20 feet along said north line to a point; thence S 76° 34' 53" E 180.89 feet along said north line to the northeast corner of said lot; thence S 0° 29' 19" E 151.53 feet along the east line of said lot to a point; thence S 0° 10' 39" E 156.06 feet along the east line of said lot to the southeast corner of said lot; thence N 87° 06' 00" W 633.32 feet along the south line of said lot to the point and place of BEGINNING, and containing 5.45 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after August 31, 2004, the liability for municipal taxes for the 2004-2005 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after August 31, 2004.



NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, June 1, 2004 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than May 22, 2004.

(Signed) Thomas M. Phillips

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97-04 RESOLUTION CALLING A PUBLIC HEARING FOR JUNE 1, 2004 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE EAST SIDE OF WATLINGTON ROAD, NORTH OF LEE’S CHAPEL ROAD -- 4.5 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 1st day of June, 2004, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE EAST SIDE OF WATLINGTON ROAD, NORTH OF LEE’S CHAPEL ROAD – 4.5 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of April 30, 2004), said point being in the east right-of-way line of Watlington Road and being 180 feet north of the centerline of Lee’s Chapel Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with said right-of-way line N 4° 46’ 15” E 311.32 feet to a point; thence continuing with said right-of-way line N 3° 01’ 02” E 188.93 feet to the southwest corner of Emory Lee Durham, III tract, as recorded in Deed Book 4608, Page 172 in the Office of the Register of Deeds of Guilford County; thence S 87° 35’ 09” E 259.29 feet along Durham’s south line to a point; thence S 85° 24’ 55” E 200 feet along Durham’s south line to a corner of a tract now or formerly owned by James Beckner; thence S 4° 33’ 40” W 366.06 feet along Beckner’s west line to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a westerly direction approximately 479.04 feet to the point and place of BEGINNING, and containing approximately 4.50 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners’ expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after August 31, 2004, the liability for municipal taxes for the 2004-2005 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for

prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2005-2006 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after August 31, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, June 1, 2004 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than May 22, 2004.

(Signed) Thomas M. Phillips

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98-04 RESOLUTION APPROVING UTILITY AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF A BRIDGE OVER PRONG ALAMANCE CREEK ON SR 3143 (MILLSTREAM ROAD) PROJECT B-3651, GUILFORD COUNTY

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements with the City of Greensboro under Project B-3651, Guilford County, said plans consisting of the replacement of Bridge #359 over Prong Alamance Creek on SR 3143 (Millstream Road);

WHEREAS, said Department of Transportation and the City of Greensboro propose to enter into an Agreement whereby said Department will include in its construction contract provisions for the contractor to perform certain utility work to the municipally-owned water lines;

WHEREAS, the City agrees to reimburse the Department of Transportation for the entire cost of said work with reimbursement to be made in one final payment upon completion of the work estimated cost to the City is \$61,415.50;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Project B-3651, Guilford County, is hereby formally approved by the City Council of the City of Greensboro and that the Mayor and Clerk of the City are hereby empowered to sign and execute the Agreement with the Department of Transportation.

(Signed) Thomas M. Phillips

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04-72 ORDINANCE AMENDING THE COUNTY CONSTRUCTION PROJECTS FUND BUDGET FOR A SEWER MAIN EXTENSION TO NORTHEAST MIDDLE SCHOOL AND HIGH SCHOOL

BE IT ORDAINED BY THE CITY COUNCIL OF GREENSBORO:

That the County Construction Projects Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the County Construction Projects Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
504-7040-01.6017	Sewer Lines	<u>\$250,000</u>
Total		\$250,000

And that this increase be financed by increasing the following County Construction Projects Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
504-7040-01.8040	Contracted Services-Guilford County	<u>\$250,000</u>
Total		\$250,000

(Signed) Thomas M. Phillips

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99-04 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2004-05 WITH LAUGHLIN AND SUTTON CONSTRUCTION FOR THE LAKE TOWNSEND DIESEL TANK REPLACEMENT & PIPING IMPROVEMENT PROJECT

WHEREAS, after due notice, bids have been received for the Lake Townsend diesel tank replacement and piping improvements project;

WHEREAS, Laughlin and Sutton Construction a responsible bidder, has submitted the low base and alternate bid in the total amount of \$346,050.00 as general contractor for Contract No. 2004-05, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Laughlin and Sutton Construction is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 511-7025-01.6017.

(Signed) Thomas M. Phillips

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100-04 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2004-06 WITH LAUGHLIN & SUTTON CONSTRUCTION FOR THE LAKE BRANDT DIESEL TANK REPLACEMENT & PIPING IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the Lake Brandt diesel tank replacement and piping improvements project;

WHEREAS, Laughlin & Sutton Construction, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$315,020.00 as general contractor for Contract No. 2004-06 which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Laughlin & Sutton Construction is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 511-7025-01.6017.

(Signed) Thomas M. Phillips

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101-04 RESOLUTION APPROVING CHANGE IN STATE HIGHWAY SYSTEM STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF GREENSBORO

WHEREAS, in reviewing the status of State Highway System Streets with officials of the State Highway Commission, it has been determined that certain additions and deletions should be made on the State Highway System Streets within the corporate limits of the City of Greensboro:

Streets to be Deleted

1. West Friendly Avenue from Eugene Street to West Market Street
2. West Friendly Avenue from West Market Street to College Road

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the deletions in the State Highway System Streets as shown above are hereby approved and shall become effective upon approval by the State Highway Commission.

(Signed) Thomas M. Phillips

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102-04 RESOLUTION GRANTING AN ENROACHMENT ON THE PROPERTY OF THE CITY OF GREENSBORO TO THE TRUSTEES OF THE OLD NORTH STATE COUNCIL, BOY SCOUTS OF AMERICA, INC., AS FOLLOWS: 10 FEET BY 20 FEET CROSSING THE PROPERTY OF THE CITY OF GREENSBORO AT THE SOUTHERN MARGIN OF THE BOY SCOUT'S DRIVEWAY 155 FEET WEST OF THE WESTERN MARGIN OF WESTOVER TERRACE.

WHEREAS, the Trustees of the Old North State Council, Boy Scouts of America, Inc. have requested an encroachment agreement from the City for the underground installment of a six inch tapped sleeve and valve tie to an existing six inch water line owned by the City of Greensboro in order to serve the water needs of the Boy Scout's new building at 1405 Westover Terrace, Greensboro, North Carolina;

WHEREAS, plans have been submitted to the City Water Department for approval of the construction of the tapped sleeve and valve tie which will require excavation along the Boy Scouts' driveway on to the City of Greensboro's property;

WHEREAS, following installation, the Boy Scouts, will provide the necessary repair, if any, of the City property in compliance with City standards;

WHEREAS, the Boy Scouts understand that they are solely responsible for the installation, maintenance and repair of the tapped sleeve and valve tie;

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of a tapped sleeve and valve tie will neither interfere with the use of the remainder of the property and no other public need would be in conflict with the encroachment granted herein or the use made thereof.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(b) of the Charter of the City of Greensboro, the Boy Scouts of America, Inc., upon the execution of an encroachment agreement prepared by the City Attorney, shall be authorized to encroach in the above described property for the installation of a tapped sleeve and valve tie as shown on the attached map.

(Signed) Thomas M. Phillips

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Motion to approve report of Budget Adjustments for April 1-30, 2004 was unanimously adopted.

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. Motion to approve minutes of regular meeting of May 4, 2004 was unanimously adopted.

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John Morris, president of Greensboro Lodge 79 of the North Carolina Fraternal Order of Police, requested Council to approve Police Chief Wray's request for an additional ninety-nine police officers, discussed his understanding of differences between personnel benefits of the Greensboro Police Department and the Guilford County Sheriff's Department, and shared his opinion with regard to calculation of holiday time compensation.

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Claudia Scott, police officer in the Greensboro Police Department, described a fictitious crime scenario to illustrate the impact of delayed police response, which in her opinion, was due to a shortage of police officers. She requested Council to approve the addition of a minimum of ninety-nine police officers.

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Eddie Summers, president of the Greensboro Police Officers Association described details of various crimes, A previous increase in police manpower and the times and locations of when police shortages generally occurred. Officer Summers spoke to the benefits that would, in his opinion, result with an increase in police manpower. After discussing comparison of rookie and veteran salaries in Greensboro and other cities, he requested Council to continue with a comparison study of statewide police benefits and compensation.

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Dave Gregory, officer with the Greensboro Police Department, spoke to details of police coverage and criminal activity that had occurred during his work over the past month. He requested Council to consider the Police Chief's study on manpower.

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James Raleigh, residing at 4244 Farlow Drive and representing a Church at 404 Dolley Madison Road, requested the Church be exempted from paying for hook-up to a City sewer line. Mr. Raleigh spoke to details of the location of the church, the sewer line, and the history of a verbal agreement made between the Church and the former property owner. After the Manager advised that there was no policy to exempt churches and non profit agencies from the cost to extend their lines to hook ups, Councilmember Vaughan advised that this appeared to be a private matter between the church and the former property owner. Councilmember Burroughs-White requested information on the City's history of involvement. The City Manager advised that this information would be provided in a report to Council.

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Councilmember Johnson provided a brief update on the progress of the Willow Oaks Redevelopment Project.

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Councilmember Vaughan moved that Fred Carlson be reappointed to serve a term on the Insurance Advisory Commission; this term will expire 1 June 2007. The motion was seconded by Councilmember Phillips and unanimously adopted by voice vote of Council.

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Councilmember Carmany discussed her intent to appoint Chris Conrad to the Board of Adjustments at the next meeting.

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After Councilmember Perkins requested Council to expedite the filling of appointments for the Rental Unit Certification Advisory Board, Mayor Holliday advised that potential appointments would be discussed further at the May 25, 2004 Council Briefing.

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After Councilmember Burroughs-White stated she had received numerous complaints from citizens about odors in northeast Greensboro, Assistant City Manager for Economic Development Ben Brown provided an update on the City's investigation into this matter. He advised that no health risk had been detected, spoke to the nature of the odor and stated Cone Mills was working diligently to remedy the odor as soon as possible.

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Mayor Holliday provided a brief update with regard to concerns Council had received about building plans on Picard Street. He advised that staff had investigated the matter and had communicated relevant information to concerned residents of the neighborhood.

The Mayor stated that the Piedmont Area Regional Transportation Authority had requested that he appoint six members to a twenty four member citizen's committee to deal with mitigation of sound issues from the Fed Ex project. He requested input for appointments from Councilmember Perkins for District 3, Councilmember Gatten, for District 4, Councilmember Carmany for District 5 and Councilmembers Phillips and Johnson from the City at large.

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Council spoke to various recent and future events of interest to the community.

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The City Manager stated the May 25<sup>th</sup> Council briefing would be held at the Justice Building and the first budget work session would be held on June 3, 2004 at 1:30 p.m.

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After Councilmember Perkins advised he could not be able to attend the budget work session on June 3<sup>rd</sup> and Councilmember Burroughs-White advised she could not attend the June 8<sup>th</sup> budget work session, the City Manager advised that staff would provide them with a separate briefing.

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Councilmember Johnson moved that Council adjourn to Closed Session for the purpose of discussing an Industrial Location. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

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The meeting was adjourned at 10: 28 p.m.

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Susan E. Crotts  
Deputy City Clerk

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Keith A. Holliday

Mayor

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